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9 Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO,  
10 AND PAUL MIYAMOTO, IN HIS OFFICIAL  
CAPACITY AS SAN FRANCISCO SHERIFF  
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12 UNITED STATES DISTRICT COURT  
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14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16 JOSHUA SIMON, DAVID BARBER, AND  
JOSUE BONILLA, INDIVIDUALLY AND  
17 ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED, DIANA BLOCK,  
18 AN INDIVIDUAL AND COMMUNITY  
RESOURCE INITIATIVE, AN  
19 ORGANIZATION,

20 Plaintiffs,

21 vs.

22 CITY AND COUNTY OF SAN  
FRANCISCO, PAUL MIYAMOTO, IN HIS  
23 OFFICIAL CAPACITY AS SAN  
FRANCISCO SHERIFF,

24 Defendants.  
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Case No. 4:22-cv-05541-JST

**DEFENDANTS' UNOPPOSED  
ADMINISTRATIVE MOTION FOR LEAVE  
TO FILE THE DECLARATION OF  
ALEXANDER J. HOLTZMAN ON  
DEVELOPMENTS RE SUPPLEMENTAL  
BRIEFING**

Trial Date: Not Set

1 Pursuant to Civil Local Rules 7-3(d) and 7-11, Defendants the City and County of San  
2 Francisco and Sheriff Paul Miyamoto, in his official capacity as the San Francisco Sheriff, file this  
3 Administrative Motion for Leave to File the Declaration of Alexander Holtzman on Developments re  
4 Supplemental Briefing (“Administrative Motion”). Plaintiffs do not oppose the filing of the  
5 Declaration. *See* Declaration of Alexander J. Holtzman on Factual Developments re Supplemental  
6 Briefing (“Holtzman Decl.”) ¶ 4. The Declaration addresses two developments relevant to arguments  
7 the parties made in the Joint Supplemental Brief re Factual Developments in Response to the Court’s  
8 Minute Order. ECF No. 73 (“Supplemental Brief”).

9 First, in the Supplemental Brief, the parties discussed Plaintiff Joshua Simon’s release from  
10 custody subject to participation in the PTEM Program. On December 7, 2023, Superior Court Judge  
11 Loretta Georgi issued warrants to revoke Plaintiff Joshua Simon’s own-recognizance release status  
12 based on affidavits explaining that Simon had been issued 36 notices of violations of the PTEM  
13 Program Rules from August 30, 2023, to December 6, 2023, including a Stay Away violation, and had  
14 continued to violate the court’s orders despite repeated admonitions. Holtzman Decl., Ex. A.<sup>1</sup> Simon  
15 was arrested that same day and has been detained since then. *Id.* ¶ 2.

16 Second, in the Supplemental Brief, Defendants stated that the San Francisco Sheriff’s Office  
17 (“SFSO”) had not shared any of Plaintiffs’ location information with another law enforcement agency.  
18 Suppl. Br. at 6–7. While that statement was accurate based on Defendants’ review of Plaintiffs’ PTEM  
19 files and requests received for location data, a review of recently collected documents in this case  
20 identified a document reflecting that, while Plaintiff Josue Bonilla was a PTEM Program participant,  
21 information about his location was provided once to the San Francisco Police Department (“SFPD”),  
22 after this case was filed, in connection with a request for location data about a different individual.  
23 Holtzman Decl. ¶ 3. Defendants have provided this information to Plaintiffs, along with a redacted  
24 copy of the event detection report containing Bonilla’s location information. *Id.*

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27 <sup>1</sup> Plaintiffs contend the statement in the affidavits that Simon was convicted of offenses is  
28 incorrect.

1 Defendants respectfully request that the Court grant Defendants leave to file the Declaration.

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3 Dated: January 2, 2024

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11 By: /s/ Alexander J. Holtzman  
12 ALEXANDER J. HOLTZMAN

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14 CITY AND COUNTY OF SAN FRANCISCO, PAUL  
15 MIYAMOTO, IN HIS OFFICIAL CAPACITY AS SAN  
16 FRANCISCO SHERIFF  
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